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Hartmut Schurg

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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.

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EXAMINER

GARRETT, ERIKA P

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/587,218	<b>Applicant(s)</b> SCHURG ET AL.	
	<b>Examiner</b> ERIKA GARRETT	<b>Art Unit</b> 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9-12, 14-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Buxton (3,615,118). Buxton discloses the use of an aircraft passenger seat (figure 1), comprising a seat part and a backrest (51,61) extending from said seat part and having a support structure and backrest cushioning (52,62) bearing on said support structure; a tray table (72) coupled to said support structure and foldable between a stored position (figure 1) on a back of said support structure and a use position (figure 2) away from said back of said support structure; and a pocket receptacle (63) on said back of said support structure for holding utensils (knife fork and spoons), printed materials and travel accessories, said receptacle being a cavity (located in 63 and the space behind seat back 61,51) extending in said support structure at least partially between said tray table in the stored position (moving from the front of the seat toward the rear, the cavity is between the two as claimed) and said backrest cushioning (51,61) and having a main opening (define by the opening the receptacle) for introducing objects into said cavity, said main opening being open and exposed when said tray table is in the stored

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position; tray table remaining outside the cavity in the stored position, (figure 2 shows the tray table in the stored position and the main opening being open).

3. In regards to claim 10, wherein the backrest (51,61) is extendable in an upright position (figures 1-2) having a main direction oriented in a vertical direction; said cavity extends from an area adjacent a top edge of said support structure to a structure element forming a bottom (located at the bottom portion of 63) of said receptacle and located within a surface area of said tray table in the stored position; the top edge of the support structure and the bottom of the receptacle are defined relative to said vertical direction.

4. In regards to claim 11, the main opening is adjacent said top edge of said support structure and opens in a back direction (when the user opens the structure element) away from said backrest cushioning (52, 62).

5. In regards to claim 12, a plate (back portion of 61, behind 74) extends between two side edges of said support structure and in the vertical direction, above said structure element, and forms a rear wall of said receptacle.

6. In regards to claim 14, plate supports a latch (74) for fixing said tray table in the stored position, the latch being supported on the plate in the stored and use position of the tray table, see figure 2).

7. In regards to claim 15, an elongated bottom (located on 57 and under elements 66) opening extends between said structure element and said plate.

8. In regards to claim 16, a lip (57) on an edge thereof bordering said bottom opening and projecting into an inside width of said bottom opening.

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9. In regards to claim 17, tray table (74) comprises a face facing said cavity in the stored position; and said main opening allows removal of items stored in said cavity in a direction parallel to said face in the stored position of said tray table, see figure 2.

10. In regards to claim 18, backrest (51,61) comprises a backrest supporting face for supporting a user's back; said backrest has at least an upright position in which said backrest has a main direction oriented vertical direction; a wall piece spaced in direction perpendicular to the backrest supporting face; from a rear wall of said support structure bearing said backrest cushioning (52,62) to form a hollow space forming said cavity; and wall piece and rear wall being from the tray table, the tray table abutting on the wall piece in the stored position; said tray table in the stored position has relative to the vertical direction; top edge below a top edge of said wall piece.

11. In regards to claim 19, a latch (74) for fixing said tray table in the stored position is mounted on a rear side of said wall piece, see figure 2.

12. In regards to claim 20, backrest has at least an upright position in which said backrest has a main direction oriented in a vertical direction; and a latch (74) for fixing said tray table (72) in the stored position is, relative to the vertical direction mounted below said main opening.

13. In regards to claim 21, wherein said upper edge of said wall piece defines said main opening; and a latch (74) for fixing said tray table in the stored position is mounted below said upper edge of said wall piece.

14. In regards to claim 22, an aircraft passenger seat (figure 1), comprising a seat part; a backrest (51,61) extending from said seat part and having a front surface facing

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said seat part and a rear surface remote from and facing oppositely from said front surface; a support structure on said rear surface defining a cavity (located in 63 and the space behind seat back 61,51) on said rear surface and having laterally spaced side portions; a plate (located at a portion behind 74) extending between said side portions and spaced from said rear surface defining a receptacle (located inside 58 and 63) there between, said plate having a top edge defining a main opening for inserting items (59,66) into and retrieving items from said receptacle and having a bottom edge spaced from said top edge; a structure element extending between said side portions spaced from said top edge, adjacent said bottom edge and forming a bottom of said receptacle; and a tray table (72) mounted on said rear surface for movement between a stored position overlying a rear, outer surface of said plate and a use position spaced from said backrest (51,61), said tray table having an upper edge in said stored position located below said top edge of said plate maintaining said main opening unobstructed in the stored position of said tray table.

15. In regards to claim 23, wherein a latch (74) for securing said tray table in the stored position is mounted on said plate between said top edge and said bottom edge.

16. In regards to claim 24, wherein said latch is adjacent said top edge.

17. In regards to claim 25, wherein said tray table (72) is pivotally coupled to said support structure, figure 2.

18. In regards to claim 26, wherein said plate has a bottom opening adjacent said bottom edge.

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19. In regards to claim 27, wherein said tray table is distinct from said support structure.

20. In regards to claim 28, wherein said plate (located behind 74) is fixedly connected to said support structure.

21. In regards to claim 29, wherein said backrest (51,61) has at least an upright position (figure 1) in which said backrest has a main direction oriented in a vertical direction; said backrest has an upper half and a lower half relative to the vertical direction; and said main opening (located inside 63) is placed in said upper half.

22. In regards to claim 30, wherein said main opening is placed at a top of the cavity relative to the vertical direction.

23. In regards to claim 31, wherein said backrest (51,61) has at least an upright position in which said backrest has a main direction oriented in a vertical direction; and relative to the vertical direction, said main opening is placed above a top edge of said tray table (72) in the stored position (figure 2).

24. In regards to claim 32, wherein the utensils (knife, fork, spoon) are maintained in the receptacle when said tray table is in the use position.

25. In regards to claim 33, wherein said backrest comprises a backrest supporting face (located on the back cushion) for supporting a user's back; and said receptacle is, relative to a direction perpendicular to the backrest supporting face, at least partially covered by said tray table in the stored position.

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26. In regards to claim 34, wherein said cavity is formed by at least four wall parts (top, bottom, sides of the backrest portion) that adjoin each other, are distinct from said tray table and face each other by pairs.

27. In regards to claim 35, wherein said main opening of said cavity is formed by said top edge of said wall piece.

28. In regards to claim 36, wherein said latch extends over said top edge of said tray table in the stored position.

29. In regards to claim 37, a seat part; a backrest (51,61) extending from said seat part and having a support structure (back portion of the seat back) and backrest cushioning (62,52) bearing on said support structure, said backrest including a backrest supporting face for supporting a user's back and having at least an upright position in which said backrest has a main direction oriented in a vertical direction; a tray table (72) coupled to said support structure and foldable between a stored position (figure 1) on a back of said support structure and a use position away from said back of said support structure; a pocket receptacle (located on 63) on said back of said support structure for holding utensils (forks and knives etc.), printed materials and travel accessories, said receptacle being a cavity (located between 63 and 72) extending in said support structure at least partially between said tray table in the stored position and said backrest cushioning (62,52) and having a main opening for introducing objects into said cavity, said main opening being open and exposed when said tray table is in the stored position, said tray table remaining outside said cavity in the stored position (figure 2); a wall piece spaced in a direction perpendicular to said backrest supporting face from a



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rear wall of said support structure to form a hollow space (located in 63) forming said cavity, said wall piece and said rear wall being distinct from the tray table, said tray table in the stored position has, relative to the vertical direction, a top edge below a top edge of said wall piece, said tray table in the stored position abutting on said wall piece, said main opening of said cavity being formed by said top edge of said wall piece; and a latch (74) fixing said tray table in the stored position, and being relative to the vertical direction, mounted below said main opening.

**30.** In regards to claim 38, wherein said latch (74) extends over said top edge of said tray table in the stored position.

**31. Claim Rejections - 35 USC § 103**

**32.** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**33.** Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buxton in view of Dixon (5,507,556). Buxton fails to show the use of the support structure receives a display screen integrated therein.

**34.** Dixon teaches the use of a support structure receives a display screen (20).

**35.** It would have been obvious to one of ordinary skill in the art at the time of invention to modify the support structure with a display screen as taught by Dixon, in order to provide information and entertainment for the occupant.

### ***Response to Arguments***

36. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIKA GARRETT whose telephone number is (571)272-6859. The examiner can normally be reached on Monday-Thursday 9:30 a.m.-6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/E. G./

Examiner, Art Unit 3636

July 16, 2009

/DAVID DUNN/

Supervisory Patent Examiner, Art Unit 3636